

App. No. 09/892,676
Amendment Dated: February 8, 2005
Reply to Office Action of January 14, 2005

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REMARKS/ARGUMENTS

Claims 1-24 remain in this application for further review. Claims 1, 2, 4, 6-9, 11-13, 16, 19-20, and 22-23 are amended as set forth above for clarification. Claim 24 has been amended as set forth above and contains elements recited in claims 1-11. No new matter has been added and applicants believe that a new search is not required for consideration of this response. Applicants respectfully request entry and reconsideration of the application.

I. Examiner Interview

On January 25, 2005, applicants' attorney held a telephonic interview with Examiner Santos. The changes to the claims and the remarks set forth herein are made in light of the January 25, 2005 interview. During that interview, Examiner Santos stated that the term "object" should be changed to "file" to distinguish the recitation of "workspaces" recited in the prior art. The Examiner propounded that the term "object" encompasses "workspaces." Moreover, Examiner Santos recommended remarks pertaining to the allowability of the claims under 35 U.S.C. § 103(a). Applicants' attorney believes that the above accurately describes the general issues discussed during the interview.

II. Rejection of Claims 1-2, 5-7, 12-13, 15, 19-20, and 23 under 35 U.S.C. § 102(b)

Claims 1-2, 5-7, 12-13, 15, 19-20, and 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,961,590 issued to Mendez et al. (hereinafter "Mendez"). As previously stated, during the January 25, 2005 interview applicants believe that an agreement was reached and that by changing the term "object(s)" to "file(s)", the respective claims

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distinguish Mendez under 35 U.S.C. § 102(b). Accordingly, applicants submit that claims 1-2, 5-7, 12-13, 15, 19-20 and 23 are allowable over Mendez under 35 U.S.C. 102(b).

III. Allowability of the Claims under 35 U.S.C. § 103(a)

During the Examiner interview, it was recommended that applicants' attorney comment on the allowability of the independent claims under 35 U.S.C. § 103(a). Specifically, whether or not the claims were patentable over Mendez in view of U.S. Patent No. 6,295,541 issued to Bodnar et al. (hereinafter "Bodnar"). Applicants assert that the claims are allowable over this proposed combination. There is no suggestion in either of the references that they may be combined as suggested. Also, even if for argument purposes such a combination were possible, the proposed combination would fail to teach all the elements of applicants' claims.

A. No Suggestion to Combine or Modify References.

There is no suggestion in either of the references that they may be combined or modified to arrive at applicants' invention. Mendez teaches a system and method for reconciling workspaces. *Mendez*, at col. 4, lines 9-67. Mendez teaches that a local area network may maintain workspace data in a predetermined format that is based on the service engine (Format A). *Mendez*, at col. 4, lines 9-12. For example, Mendez teaches that the web browser on the desktop computer may be a Netscape Navigator™ web browser, and the bookmarks in the bookmark folder are created thereby and maintained in Format A. *Mendez*, at col. 4, lines 12-15. Mendez continues by teaching that a remote terminal may contain data in Format B, which is different than Format A. *Mendez*, at col. 4, lines 21-26. For example, Mendez teaches that the

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web browser may be the Internet Explorer web browser, and the bookmarks in the bookmark folder are created thereby and maintained in Format B. *Mendez*, at col. 4, lines 26-31. *Mendez* teaches that a global server maintains workspace data in a global format, which is easily translatable by a global translator to and from Format A and to and from Format B. *Mendez*, at col. 4, lines 58-61.

Bodnar does not relate to a system or method for reconciling workspaces as taught in *Mendez*. *Bodnar* teaches the synchronization of an arbitrary number of datasets on an arbitrary number of devices. *Bodnar*, at col. 4, lines 1-10. A person of ordinary skill in the art presented with the problems associated with workspace reconciliation, as exhibited by *Mendez*, would hardly be disposed on any objective basis to consider a reference like *Bodnar*, which is unconcerned with workspace reconciliation. Accordingly, applicants assert that the references may not be combined.

B. All the Elements of Applicants' Claims are not Taught or Suggested

Even if for argument purposes such a combination were possible, the combination would still fail to teach all the elements of applicants' claims. Applicants' claim 1 specifically recites the following elements that are not taught or suggested by the prior art:

"determining if the conflict detected comprises a difference between the at least one mergeable property of the first data file and the at least one corresponding mergeable property of the second data file." (Emphasis added).

"if so, merging the first data file and the second data file to resolve the conflict." (Emphasis added).

Applicants' claim 12 specifically recites the following elements that are not taught or suggested by the prior art:

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if a mergeable property of the first *data file differs* from a corresponding mergeable property of the second *data file, automatically merging* the mergeable property of the first data file with the corresponding mergeable property of the second data file.

Applicants' claim 19 specifically recites the following elements that are not taught or suggested by the prior art:

"a server configured to detect a conflict between one of the data files and the corresponding data file *when* a mergeable property of the data file *is different* than a corresponding mergeable property of the corresponding data file and to merge the mergeable property of the data file and the corresponding mergeable property *if different*."

The elements set forth above in claims 1, 12 and 19 are fully supported in the specification. Below, applicants' have cited a portion of the specification. This citation is for explanatory and exemplary purposes only and not for limiting the language of the claims. Applicants' assert that the language of the claims is clear on its face. The background of the present invention specifically recites as follows:

"If the information that is changed in the mobile store and the server store is associated with the same data object, a *conflict is detected* during the next synchronization session. In these situations, *prior systems* that synchronized data objects would *provide some type of user interface* on the mobile device that would indicate that the conflict existed and that the conflict was with a certain object. In one example, the device user would receive a notification regarding the conflict, *when, in fact, the information changed on the object associated with the notification had identical information on both devices* (i.e., both devices changed a last name field of a contact object from a maiden name to a married name). In addition to the unhelpful user interface that was provided, *prior systems would also keep both versions of the data objects having the conflict on both the mobile device and on the fixed device*. As one can imagine, keeping both objects wasted memory on the devices and caused extra work for the user to resolve the otherwise duplicate objects." *Background*, at p. 1. (Emphasis added).

The specification of the present invention specifically recites as follows:

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As will be described in detail below in reference to FIGURES 5-7, the conflict manager uses the change indicator 404, the syncable properties 406 and the mergeable properties 408 when determining a *"true" conflict* and resolving the *"true" conflict*, in accordance with the present invention. By determining *"true" conflicts* in the manner described in the present invention, *users do not receive unhelpful conflict messages and do not need to intervene each time both the mobile data object and the corresponding server data change.* Specification, at p.11. (Emphasis added).

"As mentioned earlier, by specifying only certain of the properties as *syncable* properties 406, the present invention *decreases the number of conflicts* that are reported *compared to prior conflict resolution methods.* In addition, the conflict resolution process, in accordance with the present invention, is able to automatically resolve these *"true" conflicts* based on the syncable properties without user intervention in certain situations. Processing continues to decision block 614." Specification, at p.14 (Emphasis added)

"At decision block 614, a *determination is made whether any of the syncable properties indeed differ.* If none of the syncable properties differ, processing continues to block 616, where the change indicator 404 for both the mobile data object 324 and the server data object 314 are reset to indicate that the corresponding object is not *"dirty."* Thus, in accordance with the present invention, the user of the mobile device 320 *does not receive an unintelligible conflict message* due to changes in the data objects 314 324 that do not warrant user concern." Specification, at p.14. (Emphasis added)

"At block 620, a determination is made whether all the syncable properties that differ can be resolved using the simple merge process. This determination is based on *whether the syncable properties that differ are also designated as mergeable properties 408* (FIGURE 4) in the data objects. *If any of the syncable properties that differ are designated as a mergeable property, the process continues at block 624.*" Specification, at p. 15. (Emphasis added).

Neither Mendez nor Bodnar teach or otherwise suggest the limitations of the above claims. Neither teach the merger of a data file as set forth in the above claims and neither teach determining if the conflict comprises a difference between the two data files. Such elements increase the efficiency and usability of a synchronization session as set forth in the present invention. Regarding independent claim 24 of the present invention, claim 24 has been amended

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as set forth above. Applicants assert the elements added to claim 24 clearly distinguish the cited references. Accordingly, applicants assert that claims 1-24 are clearly allowable.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the Applicants at the telephone number provided below.

Respectfully submitted,

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